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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,869	06/23/2000	Jay S. Walker	99-081	9644

22927 7590 08/13/2002

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EXAMINER

PIERCE, WILLIAM M

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,869

Applicant(s)

WALKER ET AL.

Examiner

William M Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

WILLIAM M. PIERCE
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

In claims 26 and 27, how a game is physically "associated with a predetermined point total" is unclear. See discussion below with respect to the vagueness of the term "associated". A "player's hand" and "dealer's hand" is inferential since how they can be compared is not set forth. The steps required by "playing a dealer's hand" is inferential. Claim 38 is unclear since a "count value" of what is not stated. Further that a player "may receive" a card by chance is indefinite in the sense that this defines every card game. In In. 6, "the player" lacks a proper antecedent. Further, from the specification, the request of the specific entry is disclosed as optional with respect to the other known steps of the game of blackjack. This claim extends beyond the scope of the specification. "A hand of the dealer" is inferential since steps of cards and dealing "hands" is not recited. "The predetermined count value" lacks a proper antecedent since it has only been previously functionally recited. "The dealer score" lacks a proper antecedent. The scope of claim 39 is unclear since many variations of "blackjack" is known. Claims 40 and 41 are rejected as set forth above with respect to claims 38 and 39. In claim 42, "a hand of a dealer" is inferential since no hands or dealers are recited. The scope of the steps of "twenty-one" is unclear since many variations of the game are known. How a score can be "associated with the player" is unclear since by definition it means, "to join" and/or "connect in the mind". Claims 46 is inferential since a "chip placement area" implies a table surface which has not been set forth. The physical steps required by a score to be "represented by a game piece" is not clear. In claims 50, 52 and 64-66, the steps required for "adjusting" is not clear. In claim 56, the step of determining is inferential since one must infer that a hand exists and what it comprises. For the reasons set forth above, "twenty-one" and "associated with" render the claim unclear. In claims 70 and 72, a "game of blackjack" is unclear in scope since many variations of this type of game are known. The step of "receiving a request" is indefinite since it is previously recited in the alternative. A player may select only "receiving a hand comprising at least one card". "A hand of a dealer" is inferential.

Claim Rejections - 35 USC § 102

Claims 26, 27, 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Alvarez.

As to claim 26 and 27, shown is a "predetermined point total" of 1-40 for example, allowing a player to select a specific score on a ticket 12, "dealing and playing a dealer's hand" by the lottery computer selecting numbers and comparing this hand to a players score to determine a winner.

Claims 26, 27 and 38-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller.

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Keller shows a player selecting a "specific score on the "players betting palette" and comparing that to the dealers hand (for example dealer breaks) to determine the winner of the game.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Pg. 8 of applicant's remarks was blank .

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail address bill.pierce@USPTO.gov or at telephone number (703) 308-3551.


Any inquiry not concerning the merits of the case such as **missing papers, copies, status or information** should be directed to Tech Center 3700 Customer Service Center at (703) 306-5648 where the fax number is (703) 308-7957 and the email is Customerservice3700@uspto.gov.

For **official fax** communications to be officially entered in the application the fax number is (703) 305-3579.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.


WILLIAM M. PIERCE
PRIMARY EXAMINER